

**CITY OF BRIGHTON, COLORADO
REGULAR SESSION
SEPTEMBER 2, 2014
6:00 P.M.**

***THERE IS A 5-MINUTE
LIMIT TO ADDRESS
COUNCIL.**

**MAYOR
MAYOR PRO-TEM

COUNCIL MEMBERS**

- **RICHARD N MCLEAN**
- **KIRBY WALLIN**
- **LYNN BACA**
- **REX BELL**
- **JW EDWARDS**
- **MARK HUMBERT**
- **JOAN KNISS**
- **KEN KREUTZER**
- **CYNTHIA A MARTINEZ**

1. CALL TO ORDER

- A. Pledge of Allegiance to the American Flag.
- B. Roll Call.

2. CONSENT AGENDA

- A. Approval of the July 1, 2014 City Council Minutes.
- B. Approval of the July 15, 2014 City Council Minutes.
- C. A Resolution of the City Council of the City of Brighton, Colorado, Approving an Amendment, Correction and Ratification of Oil and Gas Lease with Synergy Resources Corporation; Authorizing the Mayor to Execute said Document on Behalf of the City; Authorizing the City Manager to Undertake such Tasks and Execute such Documents as may be Required to Implement said Amendment; and Setting Forth Other Details Related Thereto.

3. APPROVAL OF REGULAR AGENDA (Council may take a short break between 8:30–9:00 p.m.)

4. CEREMONIES

- A. Recognition of Quincy Hanson for Civic Service Planting Flowers at Historic City Hall.
- B. Attendance Awareness Month Proclamation.
- C. Introduction of New Employees by Human Resources Director Karen Borkowski Surine.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

6. PUBLIC HEARINGS

7. ORDINANCES FOR FINAL CONSIDERATION

8. RESOLUTIONS

- A. Re-appointment and Compensation for Presiding Municipal Judge, Deputy Municipal Judge and Prosecuting Attorney.
 - 1. A Resolution of the City Council of the City of Brighton, Colorado, Re-appointing Kristin Brown as the Presiding Municipal Judge and Setting Compensation.

2. A Resolution of the City Council of the City of Brighton, Colorado, Re-appointing Willard B. Hardesty as the Deputy Municipal Judge and Setting Compensation.
3. A Resolution of the City Council of the City of Brighton, Colorado, Re-appointing Adam M. Gollin as the Prosecuting Attorney and Setting Compensation.
- B. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Pat Reither as a Professional Member of the Brighton Historic Preservation Commission with a New Term to June, 2018.
- C. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Hugh Frazier as a Ward 2 Member of the Parks and Recreation Advisory Board with a Term to January, 2018.
- D. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Kevin Kildow as a Member of the Brighton Urban Renewal Authority with a Term to August, 2019.
- E. A Resolution of the City Council of the City of Brighton, Colorado, Appointing Current Alternate Joni Fields as a Member of the Brighton Urban Renewal Authority to Fill an Unexpired Term to August, 2016.
- F. A Resolution of the City Council of the City of Brighton, Colorado Approving an “Intergovernmental Agreement Between the Cities of Arvada, Aurora, Brighton, Commerce City, Federal Heights, Northglenn, Thornton and Westminster, as well as the Town of Bennett, Colorado Regarding Municipal Non-Domestic Violence Inmate Allocations and Per Diem Fee Assessment Process for Adams County Detention Facility” (The “IGA”); Ratifying the City of Brighton’s Allocation of six (6) beds; Authorizing the City Manager, or his Designees, to Undertake such Tasks and Execute such Documents as may be Required to Implement the IGA; Authorizing the Mayor to Execute the IGA on Behalf of the City; and Setting Forth Other Details Related Thereto.

9. UTILITIES BUSINESS ITEMS

Ordinances

Resolutions

10. GENERAL BUSINESS

11. REPORTS

- A. By the Mayor
- B. By Department Heads
- C. By the City Attorney
- D. By the City Manager

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

13. EXECUTIVE SESSION

14. ADJOURNMENT

Adjourn to Special Study Session, City Hall Study Session Room, 6th Floor.

City Council Agenda Item 2A

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON JULY 1, 2014.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:03 p.m.

A. Pledge of Allegiance to the American Flag.

Councilmember Edwards led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Humbert, Kniss, Kreutzer and Martinez.

2. CONSENT AGENDA

A. Approval of the April 15, 2014 City Council Minutes.

Motion by Councilmember Baca to approve Item 2A of the Consent Agenda, **second by Councilmember Bell.**

Voting aye: Mayor McLean, Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Humbert, Kniss and Martinez.

Councilmember Kreutzer abstained from voting because he was not present at the April 15, 2014 City Council meeting.

Motion passes.

B. Approval of the May 6, 2014 City Council Minutes.

Motion by Councilmember Baca to approve Item 2B of the Consent Agenda, **second by Councilmember Bell.**

Voting aye: All present.

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

City Manager Manuel Esquibel explained that the Agenda was amended to add General Business Item 10B to schedule a Special Study Session on July 14, 2014 at 6:00 p.m. and to schedule a Special Study Session on July 29, 2014 at 6:00 p.m. An Executive Session was added to discuss water and a mobile home park.

Motion by Mayor Pro Tem Wallin to approve the Regular Agenda as amended, **second by Councilmember Kreutzer.**

Voting aye: All present.

4. CEREMONIES

A. Recognition of the City of Brighton Relay for Life Team.

City of Brighton Team Captain Natalie Hoel thanked City Council and the City Employees for their support and introduced the City of Brighton Relay for Life team members.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

Dr. Marcus Gall, 12711 Colorado Blvd., Thornton, Colorado. Dr. Gall introduced himself and explained that he will be opening a chiropractic office in Brighton.

Elizabeth Sprowes, 422 North 6th Avenue, Brighton. Ms. Sprowes expressed her concern regarding the charges on her water bill. Ms. Sprowes was referred to Acting Utilities Director and Chief of Police Clint Blackhurst.

Downtown Initiative and Events Coordinator Gary Montoya gave an update regarding the 4th of July celebration.

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

A. An Ordinance of the City Council of the City of Brighton, Colorado, Establishing Certain Market Rate Salary Adjustments for Regular Full Time and Regular Part Time Employees of the City of Brighton Personnel for a Portion of Budget Year 2014; Instructing the City Manager to Implement such Adjustments Effective August 3, 2014; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel introduced Human Resources Director Karen Borkowski Surine.

Human Resources Director Karen Borkowski Surine explained that this Ordinance will approve a market rate adjustment of 2% for regular benefitted and part time employees effective August 3, 2014. Data was collected from other municipalities in Adams County and the salary survey committee went through the data from each position and compared them to the other entities. The committee determined that the average increase in the comparison cities was 2% and that overall the City of Brighton is 8% behind market in spite of efforts made in 2013 to catch up. In order to preserve the gains made in 2013 City Council agreed that a 2% increase at this time is recommended and that the salary committee should look at this information again at the end of the year and again in 2015. There will be a supplemental budget amendment at final reading of the Ordinance in the amount of \$128,702.51 which includes Medicare and retirement.

Motion by Councilmember Martinez to approve the Ordinance the title of which as read by Mayor McLean, **second by Councilmember Kniss.**

Voting aye: All present.

8. RESOLUTIONS

A. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Bid of A-1 Chipseal Co. and Awarding the Contract for the 2014 Crack Seal – Cape Seal – Slurry Seal – Concrete Replacement Project, Bid #14-012, in an amount not to exceed Four

Hundred Ninety-Seven Thousand Six Hundred Seventy-Three and 25/100 Dollars (\$497,673.25), and Authorizing the Mayor to Sign the Contract on Behalf of the City and the City Clerk to Attest Thereto.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Streets and Fleet Director Joe Smith.

Streets and Fleet Director Joe Smith asked for approval of the selection of the lowest bid contractor A-1 Chipseal Co. in the amount of \$497,673.25. A-1 has done a lot of work in the City and they were the CIP contractor last year and are considered the premier seal organization in the area. Jacobs Run and Indigo Trails are the major areas being slurry sealed this year and there are a couple areas on Baseline Road that will be cape sealed which is a chip seal with a slurry seal on top. This will stabilize the roadway for some time and is used on higher use roads. This type of work helps with pavement preservation. Work will also be done at the ball fields and at the Recreation Center.

Motion by Councilmember Humbert to approve Resolution 2014-54 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

B. Roof Replacement Services for Fleet Shop and Recreation Center.

Mayor McLean read the titles of Items 8B(1) and 8B(2) into the record.

City Manager Esquibel introduced Finance Director Dan Frelund and Facilities Project Manager Bob Brady.

Finance Director Dan Frelund explained that this request is for the formal bid of the roof replacement at the Fleet Shop and the Recreation Center to the lowest most responsive and responsible bidder. Formal bids were requested from qualified contractors for the roof replacement services for the Fleet Shop and Recreation Center including all labor, materials and necessary equipment. Due to the age and deteriorated condition of the roofs staff recommended that the roofs be replaced with a thermal plastic system. Formal bids were received on June 17, 2014, eighteen (18) firms attended the pre-bid conference and four (4) firms submitted bids for this project. Funding was approved in the 2014 Streets and Fleet Capital Improvement budget in the amount of \$73,000.00 and staff is requesting additional funds in the amount of \$11,000.00 be transferred from the New City Hall project which has excess funds at this time to meet the \$85,000.00 bid for the Fleet Shop roof. There were sufficient funds available in the Recreation Center Capital Improvement fund in the amount of \$250,000.00. Staff recommends approval of the 2014 budget amendment in the amount of \$11,672.00 from the New City Hall project fund to the Fleet Shop roof replacement. Staff recommends approval of the bid to the lowest most responsive and responsible bid of ACC Roofing in the amount of \$250,840.00. ACC Roofing is in good standing with the State of Colorado. Director Frelund and Facilities Project Manager Bob Brady answered questions from Council regarding:

- The funds from the City Hall project being moved to the Fleet Shop project.
- The type of roofing materials that will be used at the Recreation Center.
- The roof materials being a roll on or spray on product and how thick the product will be.
- The existing roof being removed
- Complete tear off being required for the warranty.
- The insulation being covered under warranty.

1. A Resolution Amending Certain Accounts in the Capital Improvement Fund and Appropriating Money for Expenditure.

Motion by Councilmember Bell to approve Resolution 2014-55 the title of which as read by Mayor McLean, **second by Councilmember Martinez.**

Voting aye: All present.

- 2. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Bid of ACC Roofing, Inc. and Awarding the Contract for the Roof Replacement Services at the Fleet Shop and the Recreation Center, Bid #14-025, in an Amount not to exceed Two Hundred Fifty Three Thousand Eight Hundred Forty Dollars (\$253,840.00), and Authorizing the Mayor to Sign the Contract on Behalf of the City and the City Clerk to Attest Thereto.**

Motion by Councilmember Edwards to approve Resolution 2014-56 the title of which as read by Mayor McLean, **second by Councilmember Kreutzer.**

Voting aye: All present.

9. UTILITIES BUSINESS ITEMS

Ordinances

Resolutions

10. GENERAL BUSINESS

A. Presentation of Annual Report.

City Manager Esquibel presented the City of Brighton 2013 Annual Report to City Council which provides information regarding accomplishments, awards, programs and financial information for 2013. City Manager Esquibel thanked staff for their help getting this information together and thanked Kristen Chernosky and her staff for working so hard to get this report done. This report will be available in City buildings and on the City website.

Motion by Mayor Pro Tem Wallin, second by Councilmember Bell to accept the City of Brighton 2013 Annual Report.

Voting aye: All present.

- B. Schedule a Special Study Session on July 14, 2014 at 6:00 p.m. and a Special Study Session on July 29, 2014 at 6:00 p.m. regarding the City Council Pre-Budget Session and Strategic Approach.**

Motion by Mayor Pro Tem Wallin, second by Councilmember Martinez to Approve Item 10B.

Voting aye: All present.

11. REPORTS

- A. By the Mayor – Mayor McLean** attended the CML Conference, E-470 meeting, and Metro Mayors Executive meeting. Mayor McLean read a thank you letter from the Front Range Community College for helping with their fundraising golf tournament. The Adams County Coordinating Committee continues to meet regarding Denver International Airport.

- B. By Department Heads – No report.**

C. By the City Attorney – No report.

D. By the City Manager – **City Manager Esquibel** thanked City Council for attending the facility tours. City Manager Esquibel reminded Council of the 4th of July celebration, the Economic Development open house that will take place on August 20th at Historic City Hall and the EDC Gala on July 17th at the Adams County Fairgrounds.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Bell attended the pre-budget sessions and wanted to acknowledge the Department Directors for their outstanding leadership in the City and thanked them for their service to the community.

Councilmember Humbert agreed with Councilmember Bell's statement.

Councilmember Baca thanked the City Manager, City staff and Council for taking a strategic look at the future and what services will need to be sustained and added to provide for the community. Councilmember Baca attended the Police Awards Banquet and it was a great event.

Mayor Pro Tem Wallin received a letter from a citizen commending City Forester Kyle Sylvester for helping him plant some trees on his property and being knowledgeable and professional and helping with the beauty and safety of his property. Mayor Pro Tem Wallin traveled to Ziebice, Poland for the 20th Anniversary of the Sister Cities program and thanked everyone for allowing him to represent the City of Brighton.

Councilmember Edwards thanked staff for the City facility tours, it was an informative experience.

Councilmember Martinez thanked staff for their help with the facility tours and encouraged everyone to be cautious on the 4th of July.

Councilmember Kreutzer thanked staff for the facility tours and thanked City Manager Esquibel and Mayor Pro Tem Wallin for taking the trip to Ziebice, Poland, it was a great experience and Councilmember Kreutzer looks forward to the group from Poland coming to Brighton next year.

Councilmember Kniss thanked staff for the facility tours and was impressed by the longevity of the City employees. Councilmember Kniss attended the CML Conference. The art displays in Brighton help to make Brighton a unique place to live. The 4th of July celebration is this week; next week is the full moon bike ride. The Benedict Park splash pad is a great amenity to the City. Councilmember Kniss attended the ribbon cutting at the Solaire apartments and it is an impressive facility.

13. EXECUTIVE SESSION

For a Conference with the City Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions under C.R.S. Section 24-6-402(4)(b) Regarding Water and Mobile Home Park.

Motion by Mayor Pro Tem Wallin, second by Councilmember Baca to go into Executive Session at 8:11 p.m.

Voting aye: All present.

14. ADJOURNMENT

DRAFT

Motion by Councilmember Martinez, second by Mayor Pro Tem Wallin to adjourn at 8:11 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date

**City Council
Agenda Item
2B**

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON JULY 15, 2014.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:00 p.m.

A. Pledge of Allegiance to the American Flag.

Councilmember Kniss led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Humbert, Kniss, Kreutzer and Martinez.

2. CONSENT AGENDA

A. Approval of the May 27, 2014 City Council Minutes.

City Clerk Natalie Hoel read the Consent Agenda into the record.

Motion by Councilmember Kreutzer to approve the Consent Agenda as presented, **second by Councilmember Martinez.**

Voting aye: All present.

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

Motion by Councilmember Humbert to approve the Regular Agenda as presented, **second by Councilmember Baca.**

Voting aye: All present.

4. CEREMONIES

A. Hannah Reynolds 100 Years Old Proclamation

Mayor McLean read the Proclamation into the record and presented it to Hannah Reynolds.

Ms. Reynolds thanked City Council for this recognition and introduced her family.

Motion by Councilmember Kreutzer, second by Mayor McLean to approve the Proclamation.

Voting aye: All present.

B. Brake for Bela Proclamation

Mayor McLean read the Proclamation into the record and presented it to Kristi and Bela Estes.

Kristi Estes thanked City Council for their continued support of this program and introduced her daughter Bela.

Bela Estes thanked City Council and told the story of how she was hit by a car at age five (5) and wants to keep the streets safe for children.

Motion by Councilmember Bell, second by Councilmember Humbert to approve the Proclamation.

Voting aye: All present.

C. Help for Homes Captain Recognition

Eagle View Adult Center Director Sue Corbett introduced Jason McCullough, Help for Homes Coordinator and explained the history of the Help for Homes program. Sue Corbett introduced each of the team captains and thanked them for their help. Ms. Corbett thanked the Legacy Foundation, Starbucks and Brothers Redevelopment for their help funding this program.

D. Sister Cities Presentation

Councilmember Kreutzer introduced the Vice President of Sister Cities Steve Simcox.

Mr. Simcox introduced the group that traveled to Ziebice, Poland and presented a video from the trip.

E. Introduction of New Employees by City Manager Manuel Esquibel.

City Manager Esquibel introduced Utilities Director Curtis Bauers and gave a brief history of his background.

Mayor McLean and **City Council** welcomed the new employee to the City of Brighton.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

Janice Wilken, Fort Lupton, Colorado. Ms. Wilken expressed her concern regarding trucks on Crown Prince Boulevard and WCR 27 that do not stop at the stop sign.

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

8. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

A. Market Rate Salary Adjustments.

- 1. A Resolution Amending Certain Accounts in the Cemetery, Water, Wastewater, Storm Drainage and Brighton Urban Renewal Authority Funds and Appropriating Money for Expenditure.**

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Human Resources Director Karen Borkowski Surine and Finance Director Dan Frelund.

Finance Director Dan Frelund explained that this budget amendment Resolution will amend certain accounts in the Cemetery, Water, Wastewater, Storm Drainage and Brighton Urban Renewal Authority funds and appropriates money for expenditure for the employee market rate adjustment. This Resolution is increasing expenditures in the Cemetery Fund by \$1,867.00, the Water Utility Fund by \$6,610.00, the Wastewater Utility Fund by \$5,817.00, the Storm Utility Fund by \$810.00 and the Brighton Urban Renewal Authority Fund by \$1,732.00, each of these is with a corresponding transfer from Fund Balance. City Council appropriated the General Fund portion of the market rate adjustment increase in the General Fund budget Resolution and the amount was \$111,000.00 at that time.

Motion by Councilmember Kreutzer to approve Resolution 2014-57 the title of which as read by Mayor McLean, **second by Mayor Pro Tem Wallin.**

Voting aye: All present.

- 2. An Ordinance of the City Council of the City of Brighton, Colorado, Establishing Certain Market Rate Salary Adjustments for Regular Full Time and Regular Part Time Employees of the City of Brighton Personnel for a Portion of Budget Year 2014; Instructing the City Manager to Implement such Adjustments Effective August 3, 2014; and Setting Forth Other Details Related Thereto. (Final Reading)**

Mayor McLean read the title of the Ordinance into the record.

City Manager Esquibel explained that this is the final reading of this Ordinance and there have not been any changes since first reading.

Mayor McLean asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Motion by Councilmember Humbert to approve Ordinance 2174 the title of which as read by Mayor McLean, **second by Councilmember Bell.**

Voting aye: All present.

9. RESOLUTIONS

- A. A Resolution of the City Council of the City of Brighton, Colorado, Authorizing the Signing of a Grant Agreement with Great Outdoors Colorado (“GOCO”), in the Amount not to exceed Nine Hundred Fifty Thousand Dollars (\$950,000.00), for the CFRT (Colorado Front Range Trail) from E-470 to Brighton; and Authorizing the City Manager to Sign and Execute the Grant Agreement.**

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle explained that this item will approve a grant agreement with Great Outdoors Colorado for the construction of the Colorado Front Range Trail from Ken Mitchell Park south to E-470 in the amount of \$950,000.00. The total project cost is 2,427,400.00. The construction of the trail will begin in 2016 once the projects in that area are completed. The City will apply for a second grant on this project with Adams County in the spring of 2015 to match the \$950,000.00 grant so the project will be split three (3) ways. The cost of the project is higher than expected to address the probability that if the City cannot get access across the one

piece of land the City does not currently have, two (2) bridges will have to be built to get around the property to complete the trail. Director Wardle answered questions from Council regarding:

- This section completing the City of Brighton portion of the Front Range Trail.

Motion by Councilmember Humbert to approve Resolution 2014-58 the title of which as read by Mayor McLean, **second by Councilmember Kniss.**

Voting aye: All present.

B. A Resolution of the City Council of the City of Brighton, Colorado Approving an Agreement with Gene Goff for the Donation of a Sculpture, “YUCCA Sculpture” to be Installed in the Eagle View Park; and Authorizing the City Manager to Execute said Agreement on Behalf of the City and to Undertake such Actions and Execute such Documents as May be Necessary to Carry Out the Terms of said Agreement.

Mayor McLean read the title of the Resolution into the record.

Parks and Recreation Director Gary Wardle introduced Eagle View Adult Center Director Sue Corbett.

Eagle View Adult Center Director Sue Corbett reported that Gene Goff is creating this sculpture in honor of his parents. His mother is very active at the Eagle View Adult Center and his father also attends. Mr. Goff estimates that this sculpture will be finished in October. The Senior Advisory Board will pay for any extra costs associated with the installation of this sculpture. EVAC Director Corbett answered questions from Council regarding:

- This sculpture being donated.

Motion by Councilmember Edwards to approve Resolution 2014-59 the title of which as read by Mayor McLean, **second by Councilmember Martinez.**

Voting aye: All present.

C. A Resolution of the City Council of the City of Brighton, Colorado, Authorizing the Submittal of a Grant Application to Adams County Open Space in the Amount not to exceed Three Thousand Six Hundred Dollars (\$3,600.00), for the Pheasant Ridge Park – High School Seniors Beautification Project; and Authorizing the City Manager to Sign the Grant Application.

Mayor McLean read the title of the Resolution into the record.

Parks and Recreation Director Gary Wardle explained that this is a mini-grant with Adams County Open Space in the amount of \$3,600.00 and the total project cost is \$6,000.00. Pheasant Ridge Park has been chosen for next year’s Brighton High School senior volunteer day. Some xeric gardens will be replanted and a large number of trees will also be planted. Signs will be added to indicate the types of plants in the beds.

Motion by Councilmember Kniss to approve Resolution 2014-60 the title of which as read by Mayor McLean, **second by Councilmember Martinez.**

Voting aye: All present.

D. A Resolution of the City Council of the City of Brighton, Colorado, Authorizing the Submittal of a Grant Application to Adams County Open Space in the Amount of One

Hundred Eighty Thousand Dollars (\$180,000.00), for the Northgate Park Design and Construction Project; and Authorizing the City Manager to Execute the Grant Application.

Mayor McLean read the title of the Resolution into the record.

Parks and Recreation Director Gary Wardle reported that this is a grant application with Adams County Open Space for the design and construction of Northgate Park in the Northgate Subdivision. This is the second park provided for by the developer when this subdivision was built. The City collected \$425,000.00 in neighborhood and community park fees for the construction of this park. Costs have increased in the past few years which have made it necessary to apply for an additional \$180,000.00 from Adams County Open Space to fund the construction of the park. The Cherry Meadows subdivision is rapidly being constructed and there will be a need for another park and the City is responsible for building that park. Both of these parks will be built next year. Director Wardle answered questions from Council regarding:

- The size of this park.

Motion by Councilmember Humbert to approve Resolution 2014-61 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

E. A Resolution Approving that Certain Amendment to the Cooperative Agreement Between the City of Brighton and the Sand Creek Regional Greenway Partnership Inc. for the Northeast Greenway Corridor Restoration Plan Project; Approving the City's Contribution of Two Thousand Dollars (\$2,000) as Its Share of the Costs for such Project; and Authorizing the Mayor to Execute the Agreement on Behalf of the City.

Mayor McLean read the title of the Resolution into the record.

Parks and Recreation Director Gary Wardle explained that this Resolution will amend the Cooperative Agreement that the City entered into with Sand Creek Greenway, LLC and the Northeast Greenway Cooperative Group in 2010. The Northeast Greenway Cooperative Group consists of Commerce City, Aurora, Denver, Thornton, Brighton, Adams County and the Sand Creek Greenway. The Cooperative Agreement funds the payment to the design group that assisted in the development of a Master Plan for the Northeast Greenway Corridor. This funding came from a settlement between the Army Corps of Engineers, Shell Oil Company and the State for natural resource damages incurred at the Rocky Mountain Arsenal.

The first Cooperative Agreement took care of the foundation fund which was the ten million dollar fund created for the Northeast Greenway group. This amendment is to create a new Master Plan for use of the recovery fund. The settlement included a 17.4 million dollar recovery fund that would be used on a broader group of individuals besides the Northeast Greenway group to fund improvements in the northeast area of Brighton. To get these funds released the fees that were paid to settle the lawsuit will have to be paid back. Each member of the Cooperative Group will agree to pay their portion of the settlement dollars for that lawsuit in order to get the funds released early. \$2,000.00 is the City of Brighton's share to hire the consulting group to put together this group of projects for submittal to the Natural Resource Damages Trustee. The cost of the total project is about \$113,000.00. The City's project for the Northeast Greenway Recovery Fund project is a 2 million dollar grant out of a 5 million dollar project to do the landscape improvements to the Ken Mitchell Open Space area. Boral, the mining company will have to go in and re-seed the area, but that does not replace any of the trees, shrubs or wildlife habitat that should be there. The 2 million dollar grant will replace all of the trees and plants to make it a wildlife habitat. Some of the grant funds will go to purchase land and Boral will be donating the Eichelman House to the City and the sixteen (16) acres in front of this house will be purchased and become the new entrance to Ken Mitchell Park. This

project will be done in 2016/2017 when mining is completed in the area and Metro Sewer is done with their project. The City will apply for another grant to match these funds in the fall of 2015.

Motion by Mayor Pro Tem Wallin to approve Resolution 2014-62 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

F. A Resolution of the City Council of the City of Brighton, Colorado, Authorizing the Purchase of Seven and 00/100 (7.00) Fulton Ditch Shares from C&J Sutton LLC, (Sellers) for the Total not to exceed Sum of One Hundred Five Thousand Dollars (\$105,000.00).

Mayor McLean read the title of the Resolution into the record.

Parks and Recreation Director Gary Wardle explained that this Resolution authorizes the acquisition of seven (7) shares of the Fulton Ditch from the C&J Sutton, LLC located out of the state. The shares have been evaluated by the City's Utility Department, they do not have Dry-Up Covenants so they cannot be used for the potable system but they do provide for the opportunity for non-potable irrigation of parks and other locations as needed. The going rate at this time is \$15,000.00 per share and that is reasonable for these shares.

Motion by Councilmember Bell to approve Resolution 2014-63 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

10. UTILITIES BUSINESS ITEMS

Ordinances

Resolutions

11. GENERAL BUSINESS

12. REPORTS

A. By the Mayor – Mayor McLean attended the State of the City given by Mayor of Denver Michael Hancock and it was very inspiring. Last Saturday was the 2nd Anniversary ribbon cutting at Kikos Restaurant.

B. By Department Heads – Economic Development Director Robert Smith reported that King Soopers will have its ribbon cutting at 9:00 a.m. tomorrow at 50th and Bridge Street and the EDC Gala and awards ceremony will take place Thursday night at the Adams County Fairgrounds.

C. By the City Attorney – City Attorney Margaret Brubaker acknowledged the contributions of Fort Collins City Attorney Steven Roy who passed away recently. Attorney Roy will be missed.

D. By the City Manager – City Manager Esquibel thanked City Council and staff for working hard to have two (2) King Soopers stores in the community. The 3E's is sponsoring an event this Friday at the Oasis Water Park, please bring your families. The Adams County quarterly meeting will be sponsored by Broomfield on July 23rd. The City BBQ is on July 24th at Carmichael Park. The EAC is sponsoring the "Ice Cream with the City Manager" on July 30th at 1:00 p.m.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Kniss reported that she is very excited about King Soopers but encourages everyone to remember Downtown. The Legacy Foundation will host a historic tour of several downtown Brighton buildings on September 5, 2014.

Councilmember Kreutzer thanked Council for allowing the Sister Cities to make their presentation. The Historic Preservation Commission and the Parks and Recreation Advisory Board met jointly regarding the future plans of the Bromley/Hishinuma Farm. Councilmember Kreutzer attended the World Lacrosse event and it was an inspiration to be there. A prior student is working at the new King Soopers and it is great to see her using the skills she learned in her career.

Councilmember Martinez thanked the first responders for being present at the 4th of July celebration and thanked all of the City departments for helping with the wonderful event.

Councilmember Edwards attended the Senior Advisory Board Meeting and is happy to announce that they are financially solvent. The VOA meals have dropped off on Tuesdays and Wednesdays so the EVAC is asking for anyone that would like to contribute on those days. The Buffalo Soldiers event had over 200 attendees so it was a successful event. The 4th of July festivities were great and Councilmember Edwards appreciated the Sister Cities presentation. Councilmember Edwards is looking forward to the King Soopers ribbon cutting.

Mayor Pro Tem Wallin reported that the Youth Commission held interviews and is welcoming new members. The Youth Commission will be bringing a Holocaust survivor to speak in Brighton.

Mayor McLean reported that the Lacrosse breakfast was fantastic.

Councilmember Baca attended the Lacrosse breakfast and it is inspiring to see what neighboring communities are doing. Councilmember Baca thanked all of the City staff and the Brighton Fire Department that was involved in the 4th of July fireworks, the park looked beautiful and it was great to see so many attendees. Councilmember Baca looks forward to meeting new residents at the City BBQ on July 24th and encourages everyone to attend the 2nd Concert at Carmichael on July 25th. The 3rd concert will take place on August 1st.

Councilmember Humbert loved the 4th of July celebration. Councilmember Humbert attended the Chamber breakfast on Thursday and the speaker was Corey Ciocchetti, an ethics professor at DU and he is an excellent speaker. Friday was the grand opening of Creative U, an art and wine tasting venue. Saturday was the Barr Lake Appreciation Day and there were a few City employees among those in attendance helping to clean Barr Lake. There was another wonderful performance at the Armory over the weekend.

Councilmember Bell explained that he is inspired by all of those in the community that volunteer in the City and for programs like Help for Homes.

14. EXECUTIVE SESSION

15. ADJOURNMENT

Motion by Councilmember Martinez, second by Councilmember Kreutzer to adjourn at 9:01 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date

**City Council
Agenda Item
2C**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT, CORRECTION AND RATIFICATION OF OIL AND GAS LEASE WITH SYNERGY RESOURCES CORPORATION; AUTHORIZING THE MAYOR TO EXECUTE SAID DOCUMENT ON BEHALF OF THE CITY; AUTHORIZING THE CITY MANAGER TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID AMENDMENT; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

RESOLUTION NO. _____

WHEREAS, at its regular City Council meeting on June 24, 2014, the City Council approved at second reading Ordinance No. 2173, approving an Oil and Gas Lease (No Surface Occupancy) [the “OG Lease”] with Synergy Resources Corporation for +/- 140 net acres in certain portions of Sections 14, 24, and 25, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado; and

WHEREAS, because the drilling units encompass the entire sections, it was the intent of both parties to lease all minerals owned by Brighton within Sections 14, 24, and 25, Township 1 South, Range 67 West; and

WHEREAS, subsequent thereto, Synergy contacted the City, requesting that the OG Lease be amended, corrected and ratified to include overlooked lands in the NE ¼ of Section 24, changing the gross acres, adding 34.766 (11.5886 net) acres to the OG Lease, making the total leased gross acres 180.3462; and

WHEREAS, to memorialize such request, Synergy has provided to the City an *Amendment, Correction and Ratification of Oil and Gas Lease* [the “Amendment”], a copy of which is attached hereto; and

WHEREAS, the City Council finds and determines that the terms of the *Amendment* are reasonable and that it is in the best interests of the City to enter into said *Amendment* as presented.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, AS FOLLOWS:

1. The *Amendment, Correction and Ratification of Oil and Gas Lease* with Synergy Resources Corporation to add 34.766 (11.5886 net) acres in the NE ¼ of Section 24, Township 1 South, Range 67 West of the 6th P.M., Adams County to the existing Oil and Gas Lease (No Surface Occupancy), a copy of which is attached hereto, is hereby approved.
2. The Mayor is authorized to execute said *Amendment, Correction and Ratification of Oil and Gas Lease* on behalf of the City.

3. The City Manager is authorized to undertake such tasks and execute such documents as may be required to implement said *Amendment, Correction and Ratification of Oil and Gas Lease* on behalf of the City.

RESOLVED this 2nd day of September, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

AMENDMENT, CORRECTION AND RATIFICATION OF OIL AND GAS LEASE

STATE OF COLORADO)
) ss.
COUNTY OF ADAMS)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, City of Brighton, Lessor in a certain Oil and Gas Lease dated June 24, 2014, executed in favor of Synergy Resources Corporation, recorded at Reception No. 2014000040391 of the records of Adams County, Colorado (hereinafter referred to as "Lease"), covering metes and bounds parcels of land located in Sections 14, 24 and 25, Township 1 South, Range 67 West, 6th P.M., and containing 145.5802 acres, more or less, described as follows:

DESCRIPTION OF LEASED LANDS:

TOWNSHIP 1 SOUTH, RANGE 67 WEST, 6TH P.M.

- Section 14: That part of the E/2 described as: Beginning at the Southeast Corner of said Section 14; thence along the South line of said Section 14 and the Southerly line of Lot 1, Bromely Lakes Subdivision S. 88°43'18" W., 1,716.00 feet; thence along the Westerly line of said Lot 1 N. 01°16'56" W., 1,592.97 feet; thence along the Northerly line of said Lot 1 S. 60°22'45" E., 468.96 feet to a point on the East bank of the South Platte River; thence along said East bank the following 13 courses and distances:
- 1) N. 41°52'00" E., 783.49 feet;
 - 2) N. 48°08'00" E., 252.00 feet;
 - 3) N. 20°05'43" E., 400.00 feet;
 - 4) N. 14°32'43" E., 195.25 feet;
 - 5) N. 11°30'57" E., 292.98 feet;
 - 6) N. 07°07'32" E., 242.18 feet;
 - 7) N. 13°06'21" W., 400.01 feet;
 - 8) N. 45°14'21" W., 385.91 feet;
 - 9) N. 69°43'37" W., 264.60 feet;
 - 10) N. 41°51'52" W., 335.60 feet;
 - 11) N. 19°00'31" W., 278.01 feet;
 - 12) N. 07°12'52" E., 640.28 feet;
 - 13) N. 14°54'59" E., 183.68 feet to a point on the North line of said Section 14;
- thence along the North line of said Section 14 N. 89°03'27" E., 1,118.13 feet to the Northeast Corner of said Section 14; thence along the East line of said Section 14 S. 00°25'58" E., 5,263.23 feet to the point of beginning, containing 126.967 acres, more or less.
- Section 24: That part of the NW/4 described as: Beginning at the Northwest Corner of said Section 24; thence along the North line of said Section 24 N. 89°45'27" E., 700.71 feet; thence along the Southerly line of Lot 1, Bromely Lakes Subdivision the following 7 course and distances:
- 1) S. 36°47'46" W., 104.03 feet;
 - 2) S. 68°15'43" W., 121.88 feet;
 - 3) S. 70°24'07" W., 146.76 feet;
 - 4) S. 55°00'20" W., 82.01 feet;
 - 5) N. 83°19'29" W., 86.48 feet;
 - 6) N. 72°52'39" W., 99.01 feet;
 - 7) S. 38°31'18" W., 220.11 feet to a point on the West line of said Section 24;

thence along the West line of said Section 24 N. 00°20'43" W., 354.75 feet to the point of beginning, containing 2.838 acres, more or less.

Section 25: A tract in the SW/4 described as: Beginning at the South Quarter Corner of said Section 25; thence South 89°19'21" West, 30.00 feet along the southerly line of the S/2 of the SW/4 of said Section 25 to a point on the westerly right-of way of Tucson Street; thence North 00° 23'28" West, 448.95 feet, along said westerly right-of-way line, being parallel with and 30 feet westerly of the North-South Centerline of said Section 25, to the beginning of a non-tangent curve; thence westerly along the arc of a curve to the right, whose center bears North 21°26'17" East, 5,504.58 feet, through a central angle of 00°47'13", an arc length of 75.62 feet, whose cord bears North 68°10'07" West, 75.62 feet, to the true point of beginning; thence continuing westerly, along the arc of a curve to the right, whose center bears North 22°13'30" East, 5,504.58 feet, through a central angle of 13°51'06", an arc length of 1,330.77 feet, whose chord bears North 60°50'57" West, 1,327.53 feet, to a point of non-tangency; thence North 34°02'10" East, 25.02 feet to a point of non-tangent curvature; thence westerly along the arc of a curve to the right, whose center bears North 36°05'10" East, 5,479.58 feet, through a central angle of 02°41'51", an arc length of 257.99 feet, whose cord bears North 52°33'55" West, 257.96 feet to a point of non-tangency, being on the northerly line of said S/2SW/4 of said Section 25; thence North 89°20'09" East, 1,414.58 feet, along said northerly line to a point on the westerly right-of-way line of said Tucson Street; thence South 00°23'28" East, 696.78 feet, along said westerly right-of-way line, being parallel with and 30 feet westerly of the North-South Centerline of said Section 25; thence South 89°36'32" West, 70.00 feet; thence South 00°23'28" East, 143.35 feet, parallel with and 100 feet westerly of the North-South Centerline of said Section 25 to the point of beginning, containing 15.7752 acres, more or less.

NOW, THEREFORE, for good and valuable consideration in hand paid to the undersigned by Synergy Resources Corporation, the receipt and sufficiency of which is hereby acknowledged, the **undersigned does hereby amend and ratify said Lease to include additional lands in the NE/4 of said Section 24, Township 1 South, Range 67 West, 6th P.M., and the total gross acres covered in the above described Lease to read as follows:**

DESCRIPTION: **TOWNSHIP 1 SOUTH, RANGE 67 WEST, 6THP.M.**
Section 24: That portion of the NE/4 containing 34.766 acres, more or less, more particularly described on Exhibit "A" attached hereto and made a part hereof.

TOTAL GROSS ACRES: **Containing 180.3462 acres, more or less**

In the event of conflict between the above description or acres, and any other provisions contained in said Lease, the above quoted amendments and corrections shall prevail to the extent of any such conflict; in all other respects the Lease, and/or Amendments thereto, shall remain in full force and effect and each of the undersigned does hereby ratify and confirm said Lease and does hereby lease, demise and let said land unto Synergy Resources Corporation, provided, however, that this instrument shall cover and bind all interest of the undersigned which may have been acquired subsequent to the date of the aforesaid Lease, and is intended to further cover and bind any interest which the undersigned may hereafter acquire by way of reversion or otherwise.

The provisions hereof shall be binding upon the parties hereto, their respective heirs, legatees, devisees, personal representatives, successors and assigns.

Executed this _____ day of _____, 2014.

**Lessor: CITY OF BRIGHTON,
a home rule municipal corporation**

ATTEST:

Richard N. McLean, Mayor

Natalie Hoel, Brighton City Clerk

STATE OF COLORADO)
) ss. ACKNOWLEDGMENT
COUNTY OF ADAMS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, a notary public in and for the above county and state, personally appeared RICHARD N. MCLEAN, Mayor of the City of Brighton, Colorado and NATALIE HOEL, Brighton City Clerk, known to me to be the identical persons described in and who executed the within and foregoing instrument of writing and acknowledgement to me that they duly executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal.
My Commission Expires:

Notary Public

Address

EXHIBIT "A"

Attached to and made a part of that certain Amendment, Correction and Ratification of Oil and Gas Lease, by and between City of Brighton, as Lessor, and Synergy Resources Corporation, as Lessee.

TOWNSHIP 1 SOUTH, RANGE 67 WEST, 6TH P.M.

Section 14: That part of the E/2 described as: Beginning at the Southeast Corner of said Section 14; thence along the South line of said Section 14 and the Southerly line of Lot 1, Bromely Lakes Subdivision S. 88°43'18" W., 1,716.00 feet; thence along the Westerly line of said Lot 1 N. 01°16'56" W., 1,592.97 feet; thence along the Northerly line of said Lot 1 S. 60°22'45" E., 468.96 feet to a point on the East bank of the South Platte River; thence along said East bank the following 13 courses and distances:
1) N. 41°52'00" E., 783.49 feet; 2) N. 48°08'00" E., 252.00 feet; 3) N. 20°05'43" E., 400.00 feet; 4) N. 14°32'43" E., 195.25 feet; 5) N. 11°30'57" E., 292.98 feet; 6) N. 07°07'32" E., 242.18 feet; 7) N. 13°06'21" W., 400.01 feet; 8) N. 45°14'21" W., 385.91 feet; 9) N. 69°43'37" W., 264.60 feet; 10) N. 41°51'52" W., 335.60 feet; 11) N. 19°00'31" W., 278.01 feet; 12) N. 07°12'52" E., 640.28 feet; 13) N. 14°54'59" E., 183.68 feet to a point on the North line of said

Section 14; thence along the North line of said Section 14 N. 89°03'27" E., 1,118.13 feet to the Northeast Corner of said Section 14; thence along the East line of said Section 14 S. 00°25'58" E., 5,263.23 feet to the point of beginning, containing 126.967 acres, more or less.

Section 24: **All those parts of the NE/4 as described as Parcels Three, Four and Five in Warranty Deed recorded May 9, 2011, at Reception Number 2011000029713 in the records of Adams County, Colorado, containing 34.766 acres, more or less, AND**

That part of the NW/4 described as: Beginning at the Northwest Corner of said Section 24; thence along the North line of said Section 24 N. 89°45'27" E., 700.71 feet; thence along the Southerly line of Lot 1, Bromely Lakes Subdivision the following 7 course and distances: 1) S. 36°47'46" W., 104.03 feet; 2) S. 68°15'43" W., 121.88 feet; 3) S. 70°24'07" W., 146.76 feet; 4) S. 55°00'20" W., 82.01 feet; 5) N. 83°19'29" W., 86.48 feet; 6) N. 72°52'39" W., 99.01 feet; 7) S. 38°31'18" W., 220.11 feet to a point on the West line of said Section 24; thence along the West line of said Section 24 N. 00°20'43" W., 354.75 feet to the point of beginning, containing 2.838 acres, more or less.

Section 25: A tract in the SW/4 described as: Beginning at the South Quarter Corner of said Section 25; thence South 89°19'21" West, 30.00 feet along the southerly line of the S/2 of the SW/4 of said Section 25 to a point on the westerly right-of-way of Tucson Street; thence North 00°23'28" West, 448.95 feet, along said westerly right-of-way line, being parallel with and 30 feet westerly of the North-South Centerline of said Section 25, to the beginning of a non-tangent curve; thence westerly along the arc of a curve to the right, whose center bears North 21°26'17" East, 5,504.58 feet, through a central angle of 00°47'13", an arc length of 75.62 feet, whose cord bears North 68°10'07" West, 75.62 feet, to the true point of beginning; thence continuing westerly, along the arc of a curve to the right, whose center bears North 22°13'30" East, 5,504.58 feet, through a central angle of 13°51'06", an arc length of 1,330.77 feet, whose chord bears North 60°50'57" West, 1,327.53 feet, to a point of non-tangency; thence North 34°02'10" East, 25.02 feet to a point of non-tangent curvature; thence westerly along the arc of a curve to the right, whose center bears North 36°05'10" East, 5,479.58 feet, through a central angle of 02°41'51", an arc length of 257.99 feet, whose cord bears North 52°33'55" West, 257.96 feet to a point of non-tangency, being on the northerly line of said S/2SW/4 of said Section 25; thence North 89°20'09" East, 1,414.58 feet, along said northerly line to a point on the westerly right-of-way line of said Tucson Street; thence South 00°23'28" East, 696.78 feet, along said westerly right-of-way line, being parallel with and 30 feet westerly of the North-South Centerline of said Section 25; thence South 89°36'32" West, 70.00 feet; thence South 00°23'28" East, 143.35 feet, parallel with and 100 feet westerly of the North-South Centerline of said Section 25 to the point of beginning, containing 15.7752 acres, more or less.

Lessor intends to lease all right, title and interest in and to any narrow strips and/or small tracts or interests contiguous or appurtenant to the lands described herein and owned or claimed by Lessor, whether or not specifically described herein, including alleys, county roads, ditches, lakes, ponds, rivers, easements, highways, rights-of-way, and/or streets lying across and/or in any way appertaining to the above described lands, however, said adjacent and/or contiguous or appurtenant narrow strips and/or small tracts or interests are limited to only those within the specific section where each leased tract described above is located.

**City Council
Agenda Item
4B**



Proclamation Attendance Awareness Month

WHEREAS, good attendance is essential to student achievement and graduation, and we are committed to dedicating our resources and attention to reducing chronic absenteeism rates, with a focus starting as early as kindergarten; and

WHEREAS, chronic absence – missing 10 percent or more of school for any reason including excused and unexcused absences, or just two of three days a month – is a proven predictor of academic trouble and dropout rates; and

WHEREAS, improving attendance and reducing chronic absence takes commitment, collaboration and tailored approaches to particular challenges and strengths in each community; and

WHEREAS, chronic absence predicts lower third-grade reading proficiency, course failure and eventual dropout, it weakens our communities and our local economy; and

WHEREAS, the impact of chronic absence hits low-income students and children of color particularly hard if they don't have the resources to make up for lost time in the classroom and are more likely to face systemic barriers to getting to school – such as unreliable transportation, lack of access to health care, unstable or unaffordable housing; and

WHEREAS, schools and community partners can reach out more frequently to absent students to determine why they are missing school and what would help them attend more regularly; and

WHEREAS, schools and community partners must do more to track, calculate and share the data on how many students are chronically absent so that we can deliver the right interventions to the right students; and

WHEREAS, chronic absence can be significantly reduced when schools, parents and communities work together to monitor and promote good attendance and address hurdles that keep children from getting to school; and

WHEREAS, engaging parents and the community – including civic and elected leaders, local businesses, faith based members and nonprofit organizations – to help us spread the message that good attendance matters and helps us come up with solutions to ensure all children are in school as much as possible.

NOW, THEREFORE BE IT RESOLVED that I, Richard N. McLean, Mayor of the City of Brighton, on behalf of the City Council, do hereby proclaim September as "Attendance Awareness Month." We hereby commit to focusing on reducing chronic absenteeism to give all children an equitable opportunity to learn, grow and thrive academically, emotional and socially.

DATED this 2nd day of September, 2014

CITY OF BRIGHTON

Richard N. McLean, Mayor
Kirby Wallin, Mayor Pro-Tem
Lynn Baca
Rex Bell
J.W. Edwards
Mark Humbert
Joan Kniss
Ken Kreutzer
Cynthia A. Martinez

ATTEST:

Natalie Hoel, City Clerk

**City Council
Agenda Item
8A**

..Body

Department of Human Resources

Reference: Presiding Municipal Judge, Deputy Municipal Judge and Prosecuting Attorney Re-appointment and Compensation

To: Mayor Richard N. McLean and Members of City Council

Through: Manuel Esquibel, City Manager

Prepared By: Karen Borkowski Surine

Date Prepared: August 19, 2014

PURPOSE To establish compensation for the Presiding Municipal Judge, Deputy Municipal Judge and Prosecuting Attorney.

BACKGROUND Per Section 8.2(B) and (D) of the City of Brighton City Charter, the City Council is charged with the responsibility of appointing by the affirmative vote of 2/3 of the members in office a presiding Municipal Judge and Deputy Municipal Judge and setting compensation.

Resolution 2012-80 re-appointed Honorable Kristen Brown Presiding Municipal Judge for a two (2) year term through the end of September, 2014 or as soon as practical thereafter. Compensation for Judge Brown is \$43,000.44 annually plus benefits for 84 sessions, not including Teen Court. This represented a 3% salary increase.

Resolution 2012-81 re-appointed Willard Hardesty Deputy Municipal Judge for a two (2) year term through the end of September, 2014, or as soon as practical thereafter. Compensation for Judge Hardesty is \$82.40 per hour. This represented a 3% salary increase.

Resolution 2012-82 re-appointed Adam Gollin Prosecuting Attorney for a two (2) year term through the end of August, 2014 or as soon as practical thereafter. Compensation for Mr. Gollin is \$150.00 per hour on an as needed basis.

Council members reviewed anonymous survey results on the performance of each individual, attended Council sessions during the year at least once to watch Court sessions and held individual performance review meetings on August 12, 2014. Council found the performances to be satisfactory for Presiding Municipal Judge Kristen Brown, Deputy Municipal Judge Will Hardesty and Prosecuting Attorney Adam Gollin.

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM Council reviewed compensation comparisons for other municipalities and determined a fair and equitable compensation rate for each of the positions based upon years of experience, review of survey results and individual interviews.

FINANCIAL IMPACT A fund balance transfer will be necessary prior to the end of 2014.

OPTIONS FOR COUNCIL CONSIDERATION Council can approve the attached Resolutions or reconsider compensation amounts.

ATTACHMENTS Three (3) Resolutions are attached for Council approval.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, RE-APPOINTING KRISTIN BROWN AS THE PRESIDING MUNICIPAL JUDGE AND SETTING COMPENSATION.

Resolution _____

WHEREAS, pursuant to Section 8.2(B) of the City of Brighton Charter, the City Council is charged with the responsibility of appointing by the affirmative vote of two-thirds of the members in office, a presiding Municipal Judge and such Deputy Municipal Judges as the Council deems necessary; and

WHEREAS, pursuant to Section 8.2(C) of the City of Brighton Charter, each Municipal Judge shall be appointed for a two (2)-year term; and

WHEREAS, Resolution 2012-80 was passed on September 4, 2012 appointing Honorable Kristin Brown Presiding Municipal Judge for a two (2) year term; and

WHEREAS, pursuant to Section 8.2 (D) of the City of Brighton Charter, Council shall establish the compensation for the Presiding Municipal Judge; and

WHEREAS, the City Council reviewed the performance of Honorable Kristin Brown on August 12, 2014 and found it to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brighton, Colorado, as follows:

1. Kristin Brown is hereby re-appointed the Presiding Municipal Judge for the Brighton Municipal Court for a two (2)-year term ending September, 2016 or a soon as practical thereafter.
2. As Presiding Municipal Judge, Kristin Brown shall be paid compensation at the rate of \$45,580.47 per year.
3. As Presiding Municipal Judge, Kristin Brown shall be eligible for any and all benefits available to other full-time employees of the City of Brighton.

RESOLVED by the City Council of the City of Brighton Colorado this 2nd day of September, 2014.

City of Brighton, Colorado

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,
COLORADO, RE-APPOINTING WILLARD B. HARDESTY AS THE DEPUTY
MUNICIPAL JUDGE AND SETTING COMPENSATION.**

Resolution _____

WHEREAS, pursuant to Section 8.2(B) of the City of Brighton Charter, the City Council is charged with the responsibility of appointing by the affirmative vote of two-thirds of the members in office, a presiding Municipal Judge and such Deputy Municipal Judges as the Council deems necessary; and

WHEREAS, pursuant to Section 8.2(C) of the City of Brighton Charter, each Municipal Judge shall be appointed for a two (2)-year term; and

WHEREAS, Resolution 2012-81 was passed on September 4, 2012 appointing Honorable Willard Hardesty Deputy Municipal Judge for a two (2) year term; and

WHEREAS, pursuant to Section 8.2 (D) of the City of Brighton Charter, Council shall establish the compensation for the Deputy Municipal Judge; and

WHEREAS, the City Council reviewed the performance of Willard B. Hardesty on August 12, 2014 and found it to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brighton, Colorado, as follows:

1. Willard B. Hardesty is hereby re-appointed the Deputy Municipal Judge for the Brighton Municipal Court for a two (2)-year term ending September, 2016 or as soon as practical thereafter.
2. As Deputy Municipal Judge, Willard B. Hardesty shall be paid compensation at the rate of \$87.34 per hour with benefits.
3. As Deputy Municipal Judge, Willard B. Hardesty shall be eligible for any and all benefits available to other full-time employees of the City of Brighton.

RESOLVED by the City Council of the City of Brighton Colorado this 2nd day of September, 2014.

City of Brighton, Colorado

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, RE-APPOINTING ADAM M. GOLLIN AS THE PROSECUTING ATTORNEY AND SETTING COMPENSATION.

Resolution _____

WHEREAS, the City Council for the City of Brighton, Colorado is responsible for providing the direction for the policies, goals and vision for the future development of the community; and

WHEREAS, the City Council is responsible to select and retain such special counsel as may be recommended by the City Manager or the City Attorney; and

WHEREAS, the City Council adopted Resolution 2012-82 on September 4, 2012 appointing Adam M. Gollin, Esq., as the Prosecuting Attorney for the City of Brighton; and

WHEREAS, the City Council reviewed the performance of Adam M. Gollin on August 12, 2014 and found it to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brighton, Colorado, as follows:

1. Adam M. Gollin, Esq., is hereby re-appointed as the Prosecuting Attorney for the Brighton Municipal Court.
2. Said appointment shall be reviewed on or about August, 2016 or as soon as is practical and thereafter at two year intervals.
3. As Prosecuting Attorney, Adam M. Gollin shall be paid at an hourly rate of \$175.00, on an as needed basis.
4. That Adam Gollin shall be paid the approved rate effective in September 2014.

RESOLVED by the City Council of the City of Brighton, Colorado, this 2nd day of September, 2014.

City of Brighton, Colorado

By: _____
Richard M. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

**City Council
Agenda Item
8B**

..Body

Department of City Clerk's Office

Reference: Board Appointment for the Historic Preservation Commission

To: Mayor Richard N. McLean and Members of City Council

Through: Manuel Esquibel, City Manager

Prepared By: Natalie Hoel, City Clerk

Date Prepared: August 27, 2014

PURPOSE

To appoint by Resolution a member to the Historic Preservation Commission.

BACKGROUND

Per City Council Policy, applicants are required to go through an interview process and, upon City Council recommendation; members are appointed by the Mayor with Ratification by City Council.

There is currently one (1) vacancy on the Historic Preservation Commission, the City Clerk's Office received one (1) application and City Council interviews were held on August 26, 2014.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,
APPOINTING PAT REITHER AS A PROFESSIONAL MEMBER OF THE BRIGHTON
HISTORIC PRESERVATION COMMISSION WITH A NEW TERM TO JUNE, 2018.**

RESOLUTION NO. _____

WHEREAS, the Mayor and City Council approved Ordinance 1925 on December 4, 2007 Amending Chapter 2 of the Brighton Municipal Code by adding a New Article 2-66 Historic Preservation Commission; and

WHEREAS, the Mayor and City Council approved Ordinance 2081 on December 14, 2010 Amending Section 2-66-10, Establishment; Membership, of the Brighton Municipal Code by adding two Alternate Positions to the Historic Preservation Commission; and

WHEREAS, the Mayor and City Council approved Ordinance 2002 on July 1, 2009, Amending the Policies for Appointment of Members to City Board, Commissions and Authorities to Specify term limits for Certain Board, Commission and Authority Appointees; and

WHEREAS, On August 26, 2013 the Brighton City Council conducted interviews to fill the vacancy on the Historic Preservation Commission; and

WHEREAS, the City Clerk advertised and received one (1) application to fill the vacancy; and

WHEREAS, the City Council desires to enable The Historic Preservation Commission to function and work toward the betterment of the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, THAT THE FOLLOWING APPOINTMENT BE MADE.

HISTORIC PRESERVATION COMMISSION

1. Pat Reither – Professional

Term: June, 2018

Adopted this 2nd day of September, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

**City Council
Agenda Item
8C**

..Body

Department of City Clerk's Office

Reference: Board Appointment to the Parks and Recreation Advisory Board

To: Mayor Richard N. McLean and Members of City Council

Through: Manuel Esquibel, City Manager



Prepared By: Natalie Hoel, City Clerk

Date Prepared: August 27, 2014

PURPOSE

To appoint by Resolution a member to the Parks and Recreation Advisory Board.

BACKGROUND

Per City Council Policy, applicants are required to go through an interview process and, upon City Council recommendation, members are appointed by the Mayor with Ratification by City Council.

There is currently one (1) Ward 2 vacancy on the Parks and Recreation Advisory Board, the City Clerk's Office received one (1) application and City Council interviews were held on August 26, 2014.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING HUGH FRAZIER AS A WARD 2 MEMBER OF THE BRIGHTON PARKS AND RECREATION ADVISORY BOARD WITH A TERM TO JANUARY, 2018.

RESOLUTION NO. _____

WHEREAS, On August 26, 2014 the Brighton City Council conducted interviews to fill the vacancy on the Brighton Parks and Recreation Advisory Board; and

WHEREAS, the Mayor and City Council approved Ordinance 2002 on July 1, 2009, Amending the Policies for Appointment of Members to City Board, Commissions and Authorities to Specify term limits for Certain Board, Commission and Authority Appointees; and

WHEREAS, the City Clerk advertised and received one (1) application to fill the vacancy; and

WHEREAS, the City Council desires to enable the Brighton Parks and Recreation Advisory Board to function and work toward the betterment of the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, THAT THE FOLLOWING APPOINTMENT BE MADE.

PARKS AND RECREATION ADVISORY BOARD

1. Hugh Frazier	Ward 2	Term: January, 2018
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Adopted this 2nd day of September, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

City Council Agenda Item 8D

..Body

Department of City Clerk's Office

Reference: Board Appointment to the Brighton Urban Renewal Authority

To: Mayor Richard N. McLean and Members of City Council

Through: Manuel Esquibel, City Manager

Prepared By: Natalie Hoel, City Clerk

Date Prepared: August 27, 2014

PURPOSE

To appoint by Resolution a member to the Brighton Urban Renewal Authority.

BACKGROUND

Per City Council Policy, applicants are required to go through an interview process and, upon City Council recommendation; members are appointed by the Mayor with Ratification by City Council.

There are currently two (2) vacancies on the Brighton Urban Renewal Authority, the City Clerk's Office received two (2) applications and City Council interviews were held on August 26, 2014.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,
COLORADO, APPOINTING KEVIN KILDOW AS A MEMBER OF THE BRIGHTON
URBAN RENEWAL AUTHORITY WITH A TERM TO AUGUST, 2019.**

RESOLUTION NO. _____

WHEREAS, on August 26, 2014 the Brighton City Council conducted interviews to fill the vacancies on the Brighton Urban Renewal Authority; and

WHEREAS, the Mayor, with consensus ratification from City Council agreed to appoint Kevin Kildow to fill the open position; and

WHEREAS, the City Clerk advertised and received two (2) applications to fill the vacancies; and

WHEREAS, the City Council desires to enable the Brighton Urban Renewal Authority to function and work toward the betterment of the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, THAT THE FOLLOWING APPOINTMENT BE MADE.

BRIGHTON URBAN RENEWAL AUTHORITY

1. Kevin Kildow

Term: August, 2019

Adopted this 2nd day of September, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:


Natalie Hoel, City Clerk

**City Council
Agenda Item
8E**

..Body

Department of City Clerk's Office

Reference: Board Appointment to the Brighton Urban Renewal Authority

To: Mayor Richard N. McLean and Members of City Council
Through: Manuel Esquibel, City Manager 
Prepared By: Natalie Hoel, City Clerk
Date Prepared: August 27, 2014

PURPOSE

To appoint by Resolution a member to the Brighton Urban Renewal Authority.

BACKGROUND

Per City Council Policy, applicants are required to go through an interview process and, upon City Council recommendation, members are appointed by the Mayor with Ratification by City Council.

There are currently two (2) vacancies on the Brighton Urban Renewal Authority, the City Clerk's Office received two (2) applications and City Council interviews were held on August 26, 2014.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,
COLORADO, APPOINTING CURRENT ALTERNATE JONI FIELDS AS A MEMBER
OF THE BRIGHTON URBAN RENEWAL AUTHORITY TO FILL AN UNEXPIRED
TERM TO AUGUST, 2016.**

RESOLUTION NO. _____

WHEREAS, on August 26, 2014 the Brighton City Council conducted interviews to fill the vacancies on the Brighton Urban Renewal Authority; and

WHEREAS, the Mayor, with consensus ratification from City Council agreed to appoint current alternate Joni Fields to fill the open position; and

WHEREAS, the City Clerk advertised and received two (2) applications to fill the vacancies; and

WHEREAS, the City Council desires to enable the Brighton Urban Renewal Authority to function and work toward the betterment of the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, THAT THE FOLLOWING APPOINTMENT BE MADE.

BRIGHTON URBAN RENEWAL AUTHORITY

1. Joni Fields

Term: August, 2016

Adopted this 2nd day of September, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

**City Council
Agenda Item
8F**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING AN “INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF ARVADA, AURORA, BRIGHTON, COMMERCE CITY, FEDERAL HEIGHTS, NORTHGLENN, THORNTON AND WESTMINSTER, AS WELL AS THE TOWN OF BENNETT, COLORADO REGARDING MUNICIPAL NON-DOMESTIC VIOLENCE INMATE ALLOCATIONS AND PER DIEM FEE ASSESSMENT PROCESS FOR THE ADAMS COUNTY DETENTION FACILITY” (THE “IGA”); RATIFYING THE CITY OF BRIGHTON’S ALLOCATION OF SIX (6) BEDS; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT THE IGA; AUTHORIZING THE MAYOR TO EXECUTE THE IGA ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

RESOLUTION NO.: _____

WHEREAS, pursuant to a Settlement Agreement entered in connection with litigation pending in Adams County District Court captioned: CITY OF AURORA; CITY OF COMMERCE CITY; CITY OF FEDERAL HEIGHTS; CITY OF NORTHGLENN; AND CITY OF THORNTON, Colorado municipal corporations v. DOUGLAS N. DARR, in his official capacity as Adams County Sheriff, State of Colorado; and THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, Civil Action No. 2014CV30353, the municipalities named in said litigation are now subjected to a flexible (“soft”) cap of 65 non-domestic violence related municipal prisoners (“inmates”) who may be held at the Adams County Detention Facility (“ACDF”) solely for municipal charges; and

WHEREAS, in furtherance of the Settlement Agreement, the parties to the litigation, as well as all other cities in Adams County, have entered into an IGA to set forth the implementation of the terms of the Settlement Agreement; and

WHEREAS, the City of Brighton is included in the “Adams County Cities” that are participants in the process set forth in the IGA; and

WHEREAS, pursuant to the Settlement Agreement, and as further set forth in the IGA, the Sheriff may charge said municipalities in Adams County a per diem fee of up to forty-five dollars (\$45) for any such municipal inmate held at the ACDF in excess of the sixty-five (65) inmate cap; and

WHEREAS, the Sheriff and the Cities recognize that the Jail Cap applies to all of the Cities in Adams County; and

WHEREAS, pursuant to the term of the IGA, the City of Brighton is allocated six (6) of the sixty-five (65) beds at the ACDF; and

WHEREAS, the City Council finds and determines that the terms and process set forth in the IGA are reasonable and that it is in the best interests of the City to enter into the IGA; and

WHEREAS, the City Council desires and expects that all of the Adams County Cities and the Adams County Sheriff will work in a cooperative manner to carry out the terms of the IGA in a manner that benefits everyone; and

WHEREAS, the City Council is approving the IGA on the condition that an allocation of at least six (6) beds for the City of Brighton remain in the IGA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

1. The *“INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF ARVADA, AURORA, BRIGHTON, COMMERCE CITY, FEDERAL HEIGHTS, NORTHGLENN, THORNTON AND WESTMINSTER, AS WELL AS THE TOWN OF BENNETT, COLORADO REGARDING MUNICIPAL NON-DOMESTIC VIOLENCE INMATE ALLOCATIONS AND PER DIEM FEE ASSESSMENT PROCESS FOR THE ADAMS COUNTY DETENTION FACILITY”* (“IGA”), a copy of which is attached hereto, is hereby approved.
2. Said approval is conditioned upon an allocation of at least six (6) beds for the City of Brighton remain in the IGA.
3. The Mayor is authorized to execute said IGA on behalf of the City.
4. The City Manager, or his designee, is hereby authorized to undertake such tasks and execute such documents as may be required to implement said IGA.

RESOLVED THIS 2nd DAY OF SEPTEMBER, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF ARVADA,
AURORA, BRIGHTON, COMMERCE CITY, FEDERAL HEIGHTS, NORTHGLENN,
THORNTON, AND WESTMINSTER, AS WELL AS THE TOWN OF BENNETT,
COLORADO
REGARDING MUNICIPAL NON-DOMESTIC VIOLENCE INMATE
ALLOCATIONS AND PER DIEM FEE ASSESSMENT PROCESS
FOR THE ADAMS COUNTY DETENTION FACILITY**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into by and between the City of Arvada, City of Aurora, City of Brighton, City of Commerce City, City of Federal Heights, City of Northglenn, City of Thornton, and the City of Westminster, Colorado, all Colorado home rule municipalities, and the Town of Bennett, a Colorado statutory town, collectively sometimes referred to herein as the "Cities" or "Parties" and individually as "City or Party."

WITNESSETH

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution and C.R.S. § 29-1-201 authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, pursuant to C.R.S. § 31-15-401(k), municipalities may use the county jail for confinement or punishment of offenders "with the consent of the board of county commissioners"; and

WHEREAS, pursuant to a Settlement Agreement entered in connection with litigation pending in Adams County District Court captioned: *CITY OF AURORA; CITY OF COMMERCE CITY; CITY OF FEDERAL HEIGHTS; CITY OF NORTHGLENN; and CITY OF THORNTON, Colorado, municipal corporations, v. DOUGLAS N. DARR, in his official capacity as Adams County Sheriff, State of Colorado; and THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS*, Civil Action No. 2014CV30353, the municipalities named in said litigation are now subjected to a flexible ("soft") cap of 65 non-domestic violence related municipal prisoners (aka "inmates") who may be held at the Adams County Detention Facility ("ACDF") solely for municipal charges; and

WHEREAS, pursuant to the Settlement Agreement, the Sheriff may charge said municipalities in Adams County a per diem fee of up to \$45 for any such municipal inmate held at the ACDF in excess of the 65 cap; and

WHEREAS, the Sheriff and the Cities recognize that the Jail Cap applies to all the Cities; as such Cities are authorized to use the ACDF pursuant to C.R.S. §31-15-401(k); and

WHEREAS, it is in the best interests of the Cities to agree among themselves on a process for allocating the 65 beds available without charge in the ACDF for municipal inmates and for determining which of the Cities will be responsible for paying per diem

fees the Sheriff may impose for their municipal inmates in the event the 65 cap is exceeded.

NOW, THEREFORE, in consideration of the promises and conditions contained herein the Cities hereto agree as follows:

I. PROCESS FOR THE PAYMENT OF PER DIEM FEES WHEN MUNICIPAL INMATES EXCEED THE ABOVE 65 CAP AND THE ALLOCATION OF BED SPACE AMONGST THE CITIES.

A. The Cities agree to the process for payment of fees as follows:

1. Each City must provide the Sheriff with the email address of each person to whom the Sheriff should send the daily municipal inmate count. The Sheriff has agreed to provide the Cities with the email address(es) to which the Sheriff wants the emails noted below to be sent.

2. The Sheriff will email the municipal inmate count by 9:00 a.m. each day of the week (including weekends and holidays) to the Cities.

3. Each City will review the list on at least each business day verifying its inmates listed are accurate in terms of names, holds, charges, and individual municipal inmate count. If any discrepancies are found, that City will notify the designated staff persons at the ACDF and all other Cities via email no later than 5:00 p.m. on the second business day following the Sheriff's publication of the list.

4. If the total number of municipal non-DV inmates is 65 or less, no additional action is necessary by any City.

5. If the total number of municipal non-DV inmates exceeds 65, any City that has not exceeded its individual allocation (as shown in Table A below) need not take any action and will not ultimately be subject to any per diem fees for this day (see paragraph A.6.f.). Each City must specify on all applicable paperwork (including but not limited to: in-custody booking forms, jail mittimus forms, warrants, and other correspondence) whether or not an inmate is being held on a DV charge. If any City's paperwork contains an error, that City will be responsible for any per diems assessed because of that error, unless such City notifies the Sheriff of such error by 5:00 p.m. on the second succeeding business day following the Sheriff's publication of the list of municipal inmates.

6. If the total number of municipal non-DV inmates exceeds 65, any City that has exceeded its individual allocation (as shown in Table A below) will have **12 hours from the time the Sheriff sent the daily email or 9:00 p.m., whichever is later**, to either release one or more of its non-DV inmates and/or risk being assessed a per diem fee for one or more of its non-DV inmates. If any such City's decision is to release one or more of its inmates, it must notify the Sheriff by email as noted above, to avoid any per diem liability for such inmate(s). Any such City's email should also be sent to all

Cities to ensure all are kept informed of each City's decisions regarding its municipal inmates.

a. If the total number of municipal non-DV inmates exceeds 65, the City that has exceeded its individual allocation by the greatest number of inmates will first be assessed a per diem fee if it has not released one or more inmates by the established deadline. In the event more than one City has exceeded their allocation by the same number of inmates, and a per diem fee results for such inmate(s), such fee will be split equally among these Cities.

b. Step "a" above will be repeated until the remaining municipal non-DV inmate count for that day either by release and/or by commitment to pay a per diem fee(s) is at or below 65. See examples below.

c. Any City that notifies the Sheriff to release all of its inmates that were over its individual allocation on any given day by the established deadline for such day will not ultimately be subject to any per diem fees for this day (see paragraph A.6.f.).

d. For any day for which a per diem is to be assessed, the Sheriff must be sent an email **by 5:00 p.m. on the second business day** following the Sheriff's email containing the daily municipal inmate count for that day by each City that details the amount to be billed for each such day(s). Any such City's email should also be sent to all Cities to ensure all are kept informed of each City's decisions regarding its municipal inmates. If the Cities fail to provide such information to the Sheriff by the established deadline, the Sheriff will bill the per diems for any excess inmates on a last-in, first-charged basis.

e. Adams County will bill the appropriate Cities monthly and payment is due to the County within 30 days of receipt of such invoice.

f. If a City fails to notify the Sheriff as provided for in paragraph A.6.d. above, and as a result the Sheriff assesses a per diem charge on a "last-in, first-charged" basis, the City assessed such per diem charge may invoice the City(ies) that failed to notify the Sheriff in a timely manner and such City(ies) shall reimburse the City charged on the "last-in, first-charged" basis for all such per diem charges within 30 days of receipt of such invoice.

B. The Cities agree to the following allocation of beds in ACDF for municipal inmates:

1. The Cities individual bed allocations are set forth below in Table A.

TABLE A

Municipality	65 Bed Allocation
Arvada	2
Aurora	11
Bennett	1
Brighton	6
Commerce City	10
Federal Heights	2
Northglenn	6
Thornton	17
Westminster	10
Total	65

2. The following reflect examples of how the above-stated process would work in practice.

Example #1. In the example below even though several Cities are over their allocation, since the total number of inmates is 65 or less, no action needs to be taken and no per diem fees will accrue.

Municipality	Proposed 65 Bed Allocation	# of Municipal Inmates at Count	# Over/Under Individual Allocation	Result
Arvada	2	1	-1	No Action Needed
Aurora	11	12	+1	No Action Needed
Bennett	1	0	-1	No Action Needed
Brighton	6	4	-2	No Action Needed
Commerce City	10	11	+1	No Action Needed
Federal Heights	2	2	0	No Action Needed
Northglenn	6	4	-2	No Action Needed
Thornton	17	19	+2	No Action Needed
Westminster	10	10	0	No Action Needed
				No Action Needed
Total	65	63	-2	Under Soft Cap

Example #2. In the example below the total number of inmates is over 65 by two inmates so those three Cities that are over their allocation may be at risk. Since Thornton is over its allocation the most (2 over) it would be the first to decide whether to release an inmate or be charged a per diem. Following this action, there are three Cities that are each one over (Aurora, Commerce City, and Thornton). Each of these

Cities would be faced with the decision to either release an inmate or risk being charged up to 1/3 per diem.

So to recap, if all occurred as described above, Thornton would either be charged 1 1/3 per diem (if it did not release its first inmate and none released another inmate) or 1/3 per diem along with Aurora and Commerce City if Thornton did release its first inmate, but none released another inmate.

Municipality	Proposed 65 Bed Allocation	# of Municipal Inmates at Count	# Over/Under Individual Allocation	Result
Arvada	2	1	-1	No Action Needed
Aurora	11	12	+1	At Risk
Bennett	1	0	-1	No Action Needed
Brighton	6	6	0	No Action Needed
Commerce City	10	11	+1	At Risk
Federal Heights	2	2	0	No Action Needed
Northglenn	6	6	0	No Action Needed
Thornton	17	19	+2	At Risk
Westminster	10	10	0	No Action Needed
Total	65	67	+2	2 Over Soft Cap

Example #3. In the example below the total number of inmates is over 65 by three inmates so those three jurisdictions that are over their allocation may be at risk. Since Commerce City is over its allocation the most (5 over) it would be the first to be charged a per diem if one of its inmates were not released. After Commerce City decides whether to release or risk paying a per diem for the first inmate over its individual allocation, it remains most over its allocation (4 over), so it would again be faced with either releasing an inmate or paying another per diem. Again, Commerce City remains the most over its allocation (3 over), so it would again be faced with either releasing an inmate or paying another per diem.

So to recap, if all occurred as described above, Commerce City would be faced with either releasing up to three inmates or being charged up to three per diems. Even though Aurora and Thornton were also over their allocations, they would not be impacted because Commerce City remained the most over its allocation.

Municipality	Proposed 65 Bed Allocation	# of Municipal Inmates at Count	# Over/Under Individual Allocation	Result
Arvada	2	2	0	No Action Needed
Aurora	11	12	+1	At Risk
Bennett	1	0	-1	No Action Needed
Brighton	6	4	-2	No Action Needed

Commerce City	10	15	+5	At Risk
Federal Heights	2	1	-1	No Action Needed
Northglenn	6	6	0	No Action Needed
Thornton	17	18	+1	At Risk
Westminster	10	10	0	No Action Needed
Total	65	68	+3	3 Over Soft Cap

II. TERM.

This Agreement shall be in effect until and including May 15, 2015, unless otherwise agreed to by all the Cities in writing.

III. NONAPPROPRIATIONS CLAUSE.

The Cities herein acknowledge and agree that each has every intention of carrying out and performing the provisions of this Agreement for its entire term. Each City agrees it shall make every reasonable effort to ensure the continued appropriation of funds for the payments referenced in this Agreement. In the event that any of the respective City Councils fail to appropriate funds for the continuation of this Agreement for any fiscal year past the first fiscal year, the Cities may, at the beginning of the fiscal year for which the City Councils do not appropriate such funds and upon thirty (30) days prior written notice, terminate this Agreement without penalty and thereupon be released of further obligations pursuant thereto.

IV. PROVISIONS CONSTRUED AS TO FAIR MEANING.

The provisions of this Agreement shall be construed as to their fair meaning, and not for or against any Party based upon any attributes to such Party as the source of the language in question.

V. NO IMPLIED REPRESENTATIONS.

No representations, warranties, or certifications, express or implied, shall exist as between the Parties, except as specifically stated in this Agreement.

VI. NO ORAL OR COLLATERAL AGREEMENTS OR UNDERSTANDINGS.

This Agreement may be amended only by an instrument in writing signed by the Parties.

VII. INTEGRATED AGREEMENT.

This Agreement is an integration of the entire understanding of the Parties with respect to the matters stated herein.

VIII. WAIVER.

The waiver by any party to this Agreement of a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by any Party.

IX. UNCONSTITUTIONALITY.

The invalidity or unenforceability of any portion or provision of this Agreement shall not affect the validity or enforceability of any other portion or provision. If any provision of this Agreement, or the application thereof to any person, entity or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement, and each and every provision thereof, are declared to be severable.

X. GOVERNMENTAL IMMUNITY.

The Parties hereto understand and agree that the Parties, their officers and employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. §24-10-101 et seq., as from time-to-time amended, or otherwise available to the Parties their officers, or their employees.

XI. NOTICE.

Any notice required by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth below, or at such other address as has been previously furnished in writing to the other Party or City. Such notice shall be deemed to have been given when deposited in the United States mail.

City of Arvada
City Manager
8101 Ralston Rd
P.O. Box 8101
Arvada, CO 80001-8101

City of Aurora:
City Manager
City of Aurora
15151 East Alameda Parkway
Aurora, CO 80012

Town of Bennett
Town Administrator
355 Fourth Street
Bennett, CO 80102

City of Brighton
City Manager
Brighton City Hall
500 South 4th Avenue
Brighton, CO 80601

City of Commerce City
City Manager
7887 E. 60th Avenue
Commerce City, CO 80022

City of Federal Heights
City Manager
City of Federal Heights
2380 W 90th Avenue
Federal Heights, CO 80260

City of Northglenn
City Manager
11701 Community Center Drive
Box 330061
Northglenn, CO 80233

City of Thornton:
City Manager
City of Thornton
9500 Civic Center Drive
Thornton, CO 80229

City of Westminster
City Manager
4800 West 92nd Avenue
Westminster, Colorado 80031

XII. APPLICABLE LAW AND VENUE.

This Agreement shall be interpreted and enforced pursuant to the laws of the State of Colorado. In the event of litigation concerning this Agreement, the Parties agree that proper venue shall be the District Court, Adams County, Colorado.

XIII. LITIGATION.

Each Party hereto shall be responsible for any suits, demand, costs or actions at law resulting from its own acts or omissions.

XIV. EFFECTIVE.

This Agreement shall become effective as of the last date of execution by the Parties hereto.

IN WITNESS WHEREOF, The Cities have caused this Agreement to be duly executed as of the day and year below written.

THE REST OF THIS PAGE LEFT INTENTIONALLY BLANK

(SIGNATURES FOLLOW ON NEXT PAGE)

CITY OF ARVADA, COLORADO

By: _____ Date: _____

Marc Williams, Mayor
City of Arvada
8101 Ralston Road
P.O. Box 8101
Arvada, Colorado 80001

ATTEST:

City Clerk

APPROVED AS TO FORM:

Christopher K. Daly, City Attorney

CITY OF AURORA, COLORADO

By: _____ Date: _____

George K. Noe, City Manager
Aurora Municipal Center
15151 East Alameda Parkway
Aurora, Colorado 80012
Telephone: (303) 739-7010

ATTEST:

Janice Napper, City Clerk

APPROVED AS TO FORM:
Michael J. Hyman, Interim City Attorney

Teresa L. Kinney, Assistant City Attorney

TOWN OF BENNETT, COLORADO

By: _____ Date: _____
Sue F. Horn, Mayor

ATTEST:

Lynette F. White, Town Clerk

APPROVED AS TO FORM:
Light Kelly, PC

Samuel J. Light, Town Attorney

CITY OF BRIGHTON, COLORADO

By: _____ Date: _____
Manuel Esquibel, City Manager

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

CITY OF COMMERCE CITY, COLORADO

By: _____ Date: _____

Brian K. McBroom, City Manager
Commerce City Civic Center
7887 East 60th Avenue
Commerce City, Colorado 80022
Telephone: (303) 227-8808
Facsimile: (303) 289-3688
bmcmbroom@c3gov.com

ATTEST:

Laura Bauer, City Clerk

APPROVED AS TO FORM:

Robert Gehler, City Attorney

CITY OF FEDERAL HEIGHTS, COLORADO

By: _____ Date: _____

Joyce Thomas, Mayor
City of Federal Heights
2380 W. 90th Ave.
Federal Heights, CO 80260

ATTEST:

Patti Lowell, CMC, City Clerk

APPROVED AS TO FORM:

William P. Hayashi, City Attorney

CITY OF NORTHGLENN, COLORADO

By: _____ Date: _____
Joyce Downing, Mayor

ATTEST:

Johanna Small, CMC, City Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, City Attorney

CITY OF THORNTON, COLORADO

By: _____ Date: _____
Jack Ethredge, City Manager

ATTEST:

Nancy Vincent, City Clerk

APPROVED AS TO FORM:
Margaret Emerich, City Attorney

Gary Jacobson, Deputy City Attorney

CITY OF WESTMINSTER, COLORADO

By: _____ Date _____
J. Brent McFall, City Manager

ATTEST:

Linda Yeager, City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney